

STATE OF INDIANA) IN THE SUPERIOR COURT OF MARION COUNTY
) SS:
COUNTY OF MARION)

MARK THOMPSON,

Plaintiff,

v.

FEDEX CORPORATION and
FEDEX GROUND PACKAGE SYSTEM, INC.,
GREAT DANE and GREAT DANE LIMITED
PARTNERSHIP,

Defendants.

49D12 13 09 CT 033903

Cause No.: _____

JURY TRIAL DEMANDED

FILED

175 SEP 06 2013

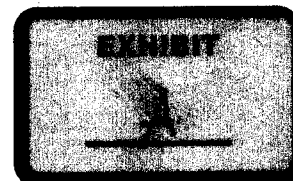
COMPLAINT FOR DAMAGES

Plaintiff, for claim against Defendants, and each of them, alleges that

Chapeth A. White
CLERK OF THE MARION CIRCUIT COURT

COUNT I

1. Plaintiff Mark Thompson is a resident/citizen of the State of Indiana.
2. Defendants FedEx Corporation and FedEx Ground Package System, Inc. are corporations with its offices out of which the subject claim arises located at 4111 Producers Dr., Indianapolis, IN, 46218.
3. Defendant Great Dane and Great Dane Limited Partnership are corporations or partnerships with its offices out of which the subject claim arises located at Highway 40, East Brazil, IN, 47834.
4. On September 7, 2011, Plaintiff Mark Thompson, a truck driver and employee of Dave Tomasch, Inc., picked up two trailers owned by Defendants FedEx Corporation and FedEx Ground Package System, Inc. for delivery to Columbus, Ohio.
5. At or about 12:30 a.m. on September 8, 2011 while traveling eastbound on I-70 at Richmond, Indiana, Plaintiff Mark Thompson reported to the dispatcher at the FedEx office in



Indianapolis that the rear trailer of the two trailers was tracking from side to side and that he had pulled off the highway to check them. He was told that FedEx was aware of this problem but he was safe to proceed on to Columbus, Ohio.

6. At or about 1:02 a.m. on September 8, 2011, in response to the rear trailer excessively tracking from side to side, Plaintiff Mark Thompson exited the highway onto a grassy area where the trailer overturned.

7. At all times hereinafter mentioned, FedEx Corporation and FedEx Ground Package System, Inc. knew or should have known of a defect in the trailer system and failed to warn Plaintiff Mark Thompson of the danger and potential for harm to him or the public by operating the trailers on the highway.

8. As a proximate result of Defendants FedEx Corporation and FedEx Ground Package System, Inc.'s said negligence, Plaintiff Mark Thompson has suffered personal injuries, pain, suffering and mental anguish, has lost time from work and his capacity to work and earn a living has been diminished and has incurred and will continue to incur medical expenses for the care and treatment of his injuries.

COUNT II

A. Strict Liability

Plaintiff incorporates by reference as if fully set forth herein rhetorical paragraphs 1 through 8 of Count I.

9. At all times herein mentioned, Defendants Great Dane and Great Dane Limited partnership designed, manufactured and sold trailers which included pinion or pintle hooks and couplers, dollies and axels.

10. At all times herein mentioned the trailers Plaintiff Mark Thompson was delivering to Columbus, Ohio were designed, manufactured and sold by Defendants Great Dane and Great Dane Limited Partnership.

11. On September 8, 2011 and at the time of manufacture and sale, the trailers were unsafe, defective and unreasonably dangerous.

12. At all times herein mentioned, the trailers were expected to and did reach the usual consumers, handlers and persons coming into contact with them without substantial change in the condition in which they were designed, manufactured and sold by Defendants Great Dane and Great Dane Limited Partnership.

13. At all times herein mentioned, the trailers were in an unsafe, defective and unreasonably dangerous condition which was a proximate cause of injury to Plaintiff Mark Thompson.

14. Defendants Great Dane and Great Dane Limited Partnership knew or should have known that the trailers were in a defective condition unreasonably dangerous and unsafe.

15. Defendants Great Dane and Great Dane Limited Partnership designed, manufactured and sold a defective product which when used for its intended and reasonably foreseeable purpose and manner created an unreasonable risk of harm to consumers and Plaintiff Mark Thompson in particular and Defendants Great Dane and Great Dane Limited Partnership are strictly liable to Plaintiff Mark Thompson for the injuries and damages he has sustained.

B. Negligence

Plaintiff adopts and incorporates by reference as if fully set forth herein the allegations set forth in Count I and Count II A. Strict Liability above.

16. Defendants Great Dane and Great Dane Liability Partnership had a duty to exercise reasonable care in the design, manufacture and sale of the trailers into the stream of commerce including a duty to ensure that these trailers would not cause harm to those using them or those using the roadways on which they were used.

17. Defendants Great Dane and Great Dane Limited Partnership failed to exercise reasonable care in the design, manufacture and sale of the trailers. Defendants Great Dane and Great Dane Limited Partnership knew or should have known that the users of the trailers and those using the roadways on which they were used were at risk of serious or even fatal personal injury.

18. Defendants' negligence was a proximate cause of Plaintiff Mark Thompson's physical, mental, emotional and economic damages as set forth herein.

WHEREFORE, Plaintiff Mark Thompson prays for judgment against Defendants, and each of them, in such sum as will fully and fairly compensate him for the injuries and damages proved.

HOVDE, DASSOW & DEETS, LLC



Frederick R. Hovde, #10649-49
Attorney for Plaintiff

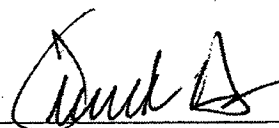
HOVDE, DASSOW & DEETS, LLC
Meridian Tower, Suite 500
201 W. 103rd Street
Indianapolis, IN 46290

JURY DEMAND

The Plaintiff, by counsel, respectfully requests trial by jury.

HOVDE DASSOW & DEETS LLC

By


Frederick R. Hovde, #10649-49
Attorney for Plaintiff

HOVDE, DASSOW & DEETS, LLC
Meridian Tower, Suite 500
201 W. 103rd Street
Indianapolis, IN 46290

STATE OF INDIANA) IN THE SUPERIOR COURT OF MARION COUNTY
) SS:
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MARK THOMPSON,

Plaintiff,

v.

FED EX CORPORATION and
FED EX GROUND PACKAGE SYSTEM, INC.,
GREAT DANE and GREAT DANE LIMITED
PARTNERSHIP,

Defendants.

49D12 13 09 CT 033903

Cause No.: _____

SUMMONS

TO DEFENDANT: (Name) Great Dane Limited Partnership
c/o National Registered Agents, Inc.
150 W. Market Street, Suite 800
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your Attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Dated _____

_____, Clerk, Marion SEP 06 2013 Court

Frederick R. Hovde, #10649-49
Attorney for Plaintiff, Attorney Number
210 W. 103rd Street, Suite #500. Meridian Tower
Indianapolis, IN 46290

317/818-3100

Telephone

The following manner of service of Summons is hereby designated:

- ☒ Registered or Certified Mail
☐ Service on individual at above address: County
☐ Service on agent: (specify)
☐ Service by Publication

Elizabeth A. White
CLERK OF THE MARION CIRCUIT COURT

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Summons and a copy of the Complaint to the Defendant _____ by _____ mail, requesting a return receipt, at the address furnished by the Plaintiff.

Dated _____

Clerk Marion County Courts

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the Complaint mailed to the Defendant, was accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me on the _____ day of _____, 20____, showing that the summons and a copy of the Complaint was returned not accepted;

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to the Defendant, was accepted by _____ (age) _____ on behalf of said Defendant on the _____ day of _____, 20____.

Clerk Marion County Courts

SERVICE ACKNOWLEDGED

A copy of the within Summons and a copy of the Complaint attached thereto were received by me at _____.

Dated _____

Signature of Defendant

RECEIPT OF SERVICE OF SUMMONS

I hereby certify that I have served the within Summons:

(1) By delivering a copy of the Summons and a copy of the Complaint to the Defendant on the _____ day of _____, 20____.

(2) By leaving a copy of the Summons and a copy of the Complaint:

a) at the dwelling place or usual place of abode of the Defendant

b) with a person of suitable age and discretion residing therein, namely _____

_____ and by mailing a copy of the Summons to the Defendant, by first class mail, to the address listed and the Summons, the last known address of the Defendant.

Sheriff of Marion County, Indiana

By: _____

STATE OF INDIANA) IN THE SUPERIOR COURT OF MARION COUNTY
)SS:
COUNTY OF MARION)

MARK THOMPSON,

Plaintiff,

v.

FED EX CORPORATION and
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GREAT DANE and GREAT DANE LIMITED
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Defendants.

49D12 13 09 CT 033903

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Elizabeth A. White
CLERK OF THE MARION CIRCUIT COURT

APPEARANCE FORM (CIVIL)

Initiating Party

1. Name of first initiating party: Mark Thompson
2. Telephone of *pro se* initiating party: N/A
3. Attorney information:

Frederick R. Hovde
201 W. 103rd Street, #500
Indianapolis, IN 46290

Attorney No. 10649-49
Phone: 317-818-3100
Fax: 317-818-3111

4. Case Type requested: **TORT**
5. Will accept FAX service: **NO**
6. Social Security number of all family members in proceedings involving support issues: **N/A**
7. Are there related cases? **NO**
8. Additional information required by state or local rule: **NONE**

HOVDE DASSOW & DEETS, LLC

Frederick R. Hovde
Frederick R. Hovde, #10649-49
Attorney for Plaintiff

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION COUNTY SUPERIOR COURT

CAUSE NO. 49D12-1309-CT-033903

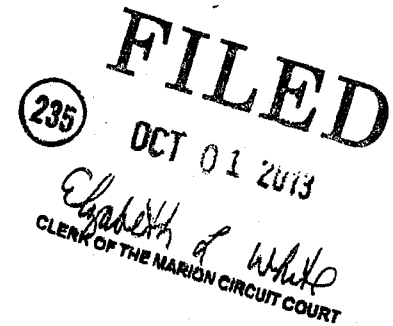
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Plaintiff,)

v.)

FEDEX CORPORATION and)
FEDEX GROUND PACKAGE)
SYSTEM, INC., GREAT DANE)
and GREAT DANE LIMITED)
PARTNERSHIP,)

Defendants.)



APPEARANCE FORM (CIVIL)
RESPONDING PARTY

1. Please enter my appearance for: **Defendants, Great Dane and Great Dane Limited Partnership**

2. Attorney information (as applicable for service of process):

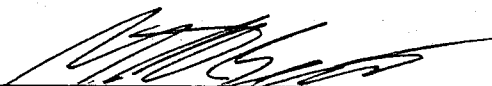
Name:	Robert M. Kelso	Atty. Number:	5441-49
Name:	Matthew D. Bruno	Atty. Number:	27043-49
Address:	Kightlinger & Gray, LLP	Phone:	317/638-4521
	One Indiana Square, Suite 300	FAX:	317/636-5917
	211 North Pennsylvania Street	Computer address:	
	Indianapolis, Indiana 46204		rkelso@k-glaw.com
			mbruno@k-glaw.com

3. Will responding party accept FAX service: Yes ___ No ☒ X

4. Additional information required by state or local rule:

KIGHTLINGER & GRAY, LLP


By


Robert M. Kelso, ID No. 5441-49
Matthew D. Bruno, ID No. 27043-49
Attorneys for Defendants, Great Dane
and Great Dane Limited Partnership

CERTIFICATE OF SERVICE

I certify that a copy of the forgoing was served by First Class Mail on counsel of record this 1st day of October, 2013, to:

Frederick R. Hovde
HOVDE DASSOW & DEETS, LLC
Meridian Tower, Suite 500
201 West 103rd Street
Indianapolis, IN 46290


Matthew D. Bruno

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 638-4521

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION COUNTY SUPERIOR COURT

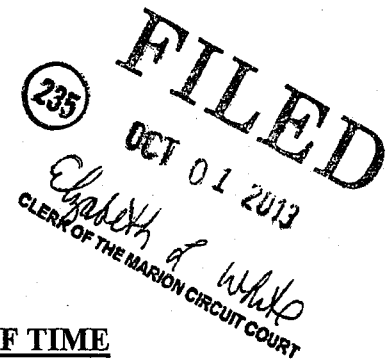
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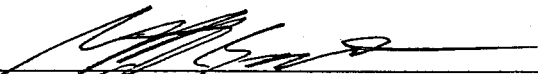
NOTICE OF INITIAL ENLARGEMENT OF TIME

Defendants, Great Dane and Great Dane Limited Partnership, by counsel, pursuant to Local Rule LR 49-TR 5 Rule 203(D), gives notice of an initial automatic enlargement of time to and including November 2, 2013, in which to file an Answer or other response to the Plaintiff's Complaint for Damages.

1. A response to Plaintiff's Complaint for Damages is due on October 3, 2013.
2. No prior enlargement has been requested.
3. The enlargement of time shall expire on November 2, 2013.

KIGHTLINGER & GRAY, LLP

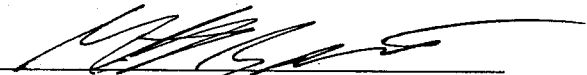
By


Robert M. Kelso, ID No. 5441-49
Matthew D. Bruno, ID No. 27043-49
Attorneys for Defendants, Great Dane
and Great Dane Limited Partnership

CERTIFICATE OF SERVICE

I certify that a copy of the forgoing was served by First Class Mail on counsel of record this 1st day of October, 2013, to:

Frederick R. Hovde
HOVDE DASSOW & DEETS, LLC
Meridian Tower, Suite 500
201 West 103rd Street
Indianapolis, IN 46290


Matthew D. Bruno

KIGHTLINGER & GRAY, LLP
One Indiana Square, Suite 300
211 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 638-4521

STATE OF INDIANA)
)
COUNTY OF MARION)

IN THE SUPERIOR COURT OF MARION COUNTY

MARK THOMPSON,

Plaintiff,

vs.

FEDEX CORPORATION, ET AL.,

Defendants.

CAUSE NO.: 49D12 13 09 CT 033903

**STIPULATION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE PLEAD IN RESPONSE TO PLAINTIFF'S COMPLAINT**

Now come Defendants, FedEx Corporation and FedEx Ground Package System, Inc., by and through counsel, and respectfully move this Honorable Court for an extension of time, up to and including October 17, 2013, to Answer or otherwise plead to the allegations contained in Plaintiff's Complaint. Plaintiff does not oppose the instant Motion and has consented to the relief requested herein and in the attached Entry.

Respectfully submitted,

Respectfully Submitted

Ilona Katrus

Ilona Katrus, # 26070-15
Roetzel & Andress, LPA
250 East Fifth Street, Suite 310
Cincinnati, OH 45202
Telephone: 513.361.0200
Facsimile: 513.361.0335
ikatrus@ralaw.com

ATTORNEYS FOR DEFENDANTS,
FEDEX CORPORATION AND
FEDEX GROUND PACKAGE SYSTEM, INC.

Rick Hovde, per written authorization

Frederick R. Hovde, # 10649-49
Hovde, Dassow & Deets, LLC
Meridian Tower, Suite 500
201 West 103rd Street
Indianapolis, Indiana 46290
Telephone: 317.818.3100
Facsimile: 317.818.3111

ATTORNEY FOR PLAINTIFF
MARK THOMPSON

PROOF OF SERVICE


A copy of the foregoing was served on this 3rd day of October, 2013 pursuant to Trial

Rule 5(B) by mailing it by United States mail to:

Frederick R. Hovde
Hovde, Dassow & Deets, LLC
Meridian Tower, Suite 500
201 West 103rd Street
Indianapolis, Indiana 46290

Robert A. Carson
GOULD & RATNER LLP
222 North LaSalle Street
Suite 800
Chicago, Illinois 60601

ATTORNEY FOR PLAINTIFF
MARK THOMPSON


Ilona Katrus, # 26070-15

STATE OF INDIANA)	IN THE SUPERIOR COURT OF MARION COUNTY
)	
COUNTY OF MARION)	
MARK THOMPSON,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO.: 49D12 13 09 CT 033903
)	
FEDEX CORPORATION, ET AL.,)	
)	
Defendants.)	

**ENTRY GRANTING EXTENSION OF TIME TO ANSWER OR
OTHERWISE PLEAD IN RESPONSE TO PLAINTIFF'S COMPLAINT**

This matter comes before the Court upon the Motion of Defendants, FedEx Corporation and FedEx Ground Package System, Inc., for additional time to Answer or otherwise plead to the allegations contained in Plaintiff's Complaint. The Court finds that Plaintiff does not oppose said Motion and has consented to the relief requested by Defendants. The Court further finds that the Motion is well-taken and hereby grants same.

IT IS HEREBY ORDERED

1. Defendants, FedEx Corporation and FedEx Ground Package System, Inc., are granted an extension of time, up to and including October 17, 2013, to Answer or otherwise plead to the allegations contained in Plaintiff's Complaint.

HONORABLE JUDGE

DATE